




MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Planning Commission

From: Tiffany Stankiewicz, Sr. Planning Tech. 

Through: Townsley Schwab, Acting Sr Director of Planning & Environmental Resources 

Date: March 16, 2009

Subject: NROGO Year 17.1, Non-Residential Floor Area Evaluation Report

Meeting Date: March 25, 2009

1 **I BACKGROUND:**

2

3 Monroe County Code, Section 138-52 NROGO establishes the procedure for allocating the non-

4 residential floor area. The "maximum annual allocation", and the distribution between the first and

5 second allocation dates, will be determined by the Board of County Commissioners upon the

6 recommendations of the Planning Director and the Planning Commission. The commercial floor

7 area that is not made available, or that remains unused, in the current year will be carried forward.

8

9 There were 224,567 square feet (187,757 sq. ft. Lower/Upper Keys Subarea + 36,810 Big Pine/No

10 Name Key Subarea sq. ft.) of non-residential floor area available for allocation at the beginning of

11 Year 17 (July 2008-July 2009). At the Planning Commission meeting of October 8, 2008 the

12 Planning Commission recommended 35,000 square feet (30,000 sq. ft. Lower/Upper Keys Subarea

13 and 5,000 Big Pine/No Name Key Subarea) of floor area to be made available for the Year 17

14 NROGO allocations. The floor area is to be awarded in two allocations. The first allocation of

15 15,000 square feet to the Lower/Upper Keys Subarea and 2,500 square feet to the Big Pine/No

16 Name Key Subarea is awarded after the close of the period in January 2009, and the second

17 allocation of 15,000 square feet to the Lower/Upper Keys Subarea and 2,500 square feet to the Big

18 Pine/No Name Key Subarea is awarded after the close of the period in July 2008. No allocation for

19 any one single applicant is to be awarded for greater than 2,500 square feet. The Board of County

20 Commissioners approved Resolution 471-2008 confirming the Planning Commissions

21 recommendation.

22

23 On June 9, 2006, the Federal Fish and Wildlife Permit was issued to 1) Monroe County, Growth

24 Management Division, 2) Florida Department of Transportation, and 3) Florida Department of

25 Community Affairs for the Threatened and Endangered Species Incidental Take Permit (ITP)

26 since the permittees have defined the geographic area covered by their Habitat Conservation Plan

27 (HCP) on Big Pine/No Name Key. The ITP requires the Permittees to ensure that the take of the

covered species is minimized and mitigated. The Permittees are responsible for meeting the terms and conditions of the ITP and implementing the HCP. Pursuant to the LCP Action Item 9.2.4 the County will create mitigation fee for new residences, non-residential floor area, and institutional uses in order to ensure that development bears its fair share of the required mitigation under the Federal ITP #TE083411-0. Therefore, staff is in the process of formulating a proposal for the mitigation requirement for Big Pine/No Name Key to present to the Planning Commission in the near future.

On March 15, 2006, the Board of County Commissioners adopted Ordinance 011-2006 to implement the Tier System, and subsequently, it was challenged by Florida Keys Citizens Coalition, Inc. and Protect Key West and the Florida Keys, Inc., d/b/a Last Stand. Thomas G. Pelham, Secretary, Department of Community Affairs signed the final order deciding the challenge on September 26, 2007.

The Tier System, made changes such as separate districts for allocation distribution, basis of scoring applications, and administrative relief. The districts are as follows: A) Lower/Upper Keys and B) Big Pine/No Name Key are the subareas for NROGO.

II AMOUNT OF FLOOR AREA REQUESTED:

There are five applicants requesting commercial floor area for the Year 17.1 January allocation. There are five applicants in the Lower/Middle/Upper area and zero applicants in the Big Pine/No Name Key area. The applicant's score is broken down by scoring criteria.

	Lower/Upper Keys Subarea	Big Pine/No Name Keys Subarea
Period 1: Sq. Ft. Allocation Available	15,000	2,500
Period 1: Sq. Ft. requested	<u>10,556</u>	<u>0</u>
Sq. Ft. to rollover to Period 2	4,444	2,500
Period 2: Sq. Ft. Allocation Available	15,000	2,500
Period 1: Sq. Ft. rollover to Period 2	<u>4,444</u>	<u>2,500</u>
Total Sq. Ft. for Period 2	19,444	5,000

III EVALUATION AND RANKING:

The evaluation of the allocation applications was performed by the Planning and Environmental Resources Departments according to the provisions of the Non-Residential Rate of Growth Ordinance (NROGO). Positive and negative points were granted in compliance with the evaluation criteria contained in Section 138-55(a) and the Land Development Regulations.

Based on the total points scored, each allocation was ranked. If applications received identical scores, they were ranked by date and time first, and further ranked based on the applicants with the fewest negative points on the same day.

IV RECOMMENDATION:

1 Based on the proceeding, the Acting Sr. Director Planning & Environmental Resources
2 recommends the following NROGO allocations of Year 17.1 be awarded to the applicants ranked
3 one (1) through five (5), requesting a total of 10,556 square feet of floor area. The balance of
4 4,444 square feet of commercial floor area remaining shall be carried over to year 17.2 of NROGO
5 allocation.
6
7

NON-RESIDENTIAL (NROGO) ALLOCATION RANKING
PROPOSED BY ACTING SR. DIRECTOR OF PLANNING AND ENVIRONMENTAL RESOURCES
LOWERUPPER KEY'S EXCLUDING BIG PINE/NO NAME KEY
YEAR 17.1 (JULY 14, 2008 TO JANUARY 13, 2009)

[illegible]

Total Sq. Footage available per Board of County Commissioners Resolution 471-08 for the first period is 15,000 sq. ft.

PROPOSED
MARCH 25, 2009